

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

BASITO INVESTMENTS, LLC,
Plaintiff,

vs.

MARTIN W. RIVERS,
Defendant.

Case No. 16-CV-494-FHM

OPINION AND ORDER

Plaintiff's Motion For Order Granting Leave to Amend Complaint, [Dkt. 30], and Plaintiff's Motion For Default Judgment, [Dkt. 32], are before the court for decision.

On March 16, 2017, after the December 28, 2016, deadline for motions to amend had passed, [Dkt. 18], Plaintiff filed a motion seeking leave to amend its Complaint. On the same day, without having received leave to amend as required by Fed.R.Civ.P. 15, Plaintiff filed an Amended Complaint. [Dkt. 21]. On April 20, 2017, Plaintiff filed a motion seeking default judgment for Defendant's failure to respond to Plaintiff's motion for leave to amend. [Dkt. 21]. Thereafter, Defendant filed an Answer to Plaintiff's Amended Complaint, pointing out that Plaintiff had not been granted leave to amend. [Dkt. 33].

The foregoing set of circumstances is not deserving of an entry of default judgment. Plaintiff's Motion For Default Judgment, [Dkt. 32], is DENIED. Plaintiff's Motion For Order Granting Leave to Amend Complaint, [Dkt. 30], is GRANTED. The Amended Complaint, [Dkt. 31], and the Answer to Amended Complaint, [Dkt. 33] shall serve as the pleadings in this case. No further pleading is required. The parties shall each bear their own costs related to these motions.

SO ORDERED this 24th day of May, 2017.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE